

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KATHLEEN HODSON)	
)	
Plaintiff,)	Civil Action No. 03-0374e
)	
vs.)	Judge Maurice B. Cohill, Jr.
)	
ALPINE MANOR, INC. d/b/a)	
INTEGRATED HEALTH SERVICES)	
OF ERIE AT BAYSIDE)	
)	
Defendant)	

AFFIDAVIT OF KATHLEEN HODSON

I, KATHLEEN HODSON, do hereby depose and voluntarily state:

1. I have personal knowledge and I am competent to testify as to the matters set forth herein.

2. I was formerly employed at Integrated Health Services (hereinafter "IHS") as an LPN, (Licensed Practical Nurse). My date-of-hire was on or about May 15, 1997, and I was terminated on May 17, 2001, by Dave Dinges, acting DON, because I was not able to do the work, I had been assigned to, on that day. I was not , nor ever had been , insubordinate, I just was not able , to do the work!

3. I did not, nor ever would , abandon patients, in my care. I notified the 7-3 nurse, that I couldn't work on that hall, and I also informed , the acting DON, that I wasn't able, to work that hall. So, I gave ample, notice!

EXHIBIT
"A"

4. I was so upset about being fired that I called the Corporate office, as soon as I reached home, that same day, May 17th. As luck would have it, Ray Martinez, answered the phone. All I said was, I wasn't able, to do the assignment, I was given, and Dave Dinges, told me "then you no longer work here." Ray Martinez told me during this same phone-call, "you are not terminated."

5. During my workmans' compensation hearings, I began to perceive that I had been discriminated against, so I filed a complaint with , the E.E.O.C. I also filed a complaint with the DEPARTMENT OF LABOR AND INDUSTRY, because my workplace , wouldn't allow me to go through, or have a copy of , my personnel file.

6. Throughout, all this time, I was going through, numerous medical procedures, ie. spinal injections , for back pain and spasms, PT and water therapy, a TENS unit, pain medication and muscle relaxants, anything , that would give me some relief from the pain in my back!

7. After receiving my Right To Sue letter, from the E.E.O.C. , I filed a Civil Complaint against the Defendant, IHS AT BAYSIDE, on Nov. 17, 2003. Dave Dinges', firing me, that day, was just an ongoing example of the retaliation, I had been enduring, since being put on workmans' comp. , due to a work injury, at the end of March, of the previous year! Thus, my charge of Disability Dis-

crimination. Sheila Rist, the Human Resource Manager, was even present during my "termination" that day, and never said a word.

8. I had attempted to talk with Sheila Rist, before and after my "termination" but all Sheila would say is, I'm not allowed to talk with you, you are to only, talk with Carl. (Carl Kovski, the administrator). The day I was fired, Carl Kovski, was no where around!

9. Dave Dinges did write a note, and pinned it up on the bulletin board. It read, in big, bold, writing, "**WHAT DID YOU DO, LAY HANDS ON THEM, AND HEAL THEM?**" I was shocked at the apparent reference to my religious beliefs, and took the note, directly to the Director of Nursing, Sharon Diloreto, who says she doesn't remember this. Its kind of funny because Dave Dinges admits to saying these, very same words, to a co-worker, at another time, about me.

10. Roger Watkins, R.N. appeared to , really resent , my being on "light-duty" after my work-injury. I had to spend a lot of time at the nurses' station, doing paperwork, like physicians' orders, and such. Roger began , harassing me, like throwing syringes, and small things, at me, and saying things like, "if that isn't too heavy for you, Hodson," do something with it, or take it to someone. This was , so humiliating, but not as humiliating as when Roger, would talk about his sexual fantasies, exploits, and his genital endowments, at the nurses' station, right in front of me! Roger knew I was a Christian, and I believe he did this, deliberately, to embarrass me, and hurt me. I went and

complained to the administrator, Carl Kovski, concerning Rogers' harassment, but all he said was, " Oh, that's just Roger." The administrator never told me if he said anything to Roger. I did not believe , he did , because Roger, kept on doing it. In fact, it escalated to the level, of making me , sick! I was sitting behind the desk at the nurses' station, Carmen Callicott, another LPN, was standing up, on the other side of the desk. All of a sudden, she grabbed her right chest, as Roger went by. When I asked her what was wrong, because she looked so shocked, she answered, "he pinched my nipple." I was, like I said, just sick! This is an affidavit, as good as, sworn testimony, and furthermore, how or why? would anyone , make such awful stuff up? This , is the environment , I had to work in! I didn't get a chance to , go back to Carl Kovski, the administrator, to tell him Roger was still, in my face, with his disgusting behavior, as I was taken , off work, by my doctor, because of severe pain in my back.

11. There were two different, "light-duty," job descriptions, for me, for the same period of time. One, was paper-work, at the desk, sent to my home, telling me to come back to work, another, given to me by, Dave Dinges, when I came back to work, putting me, on the hall, on the med cart, on my feet for over 8 hours, sometimes. My FUNCTIONAL CAPACITY EVALUATION, I was not to be walking no more than a third, of my shift! Dave Dinges testified, at

my workmans' cop. hearing, that he never saw the letters sent to me, certified, at my home, and didn't know about, those restrictions. Sheila Rist, **knew!**, and she was the Human Resource Manager!

12. I took notes, during the entire time, following my work-injury. These are not, "remembered notes," but notes written down, right at the moment, of the incident, ie. the harassment and humiliation, I went through when Robin Otis, and Jen Heiser, tried to force me to work, overtime, to make up for the time I had to go for a test, related to my injury. All, of this took place \ in front of residents and their families, and other nurses, in the dining room, and at the nurses' station. Witness: Karen Ang, LPN. And, another time when Lorie Gurdak, DON, and Sheila Rist, Human Resource Manager, forced me to work, full-duty, against my Dr.s' orders.

13. From Feb. 25, 1999- write-up for not getting a resident out of bed (sometimes they refuse) until a verbal write-up, on Jan. 29, 2002, for not punching out for lunch, was a period of **2 years!**, without a write-up. On my last PERFORMANCE EVALUATION, done by Kathleen Mannion, RN, Ms. Mannion wrote, "well liked by residents, Consistant in care" On the HUMAN RELATIONS part, Ms. Mannion checked all 2's, which signifies, as follows: A positive working relationship with patients/residents, visitors and facility staff is demonstrated. Authority is acknowledged and response to the direction of

supervisors is appropriate. A circled 2, is marked by Ms. Mannion, on both of these statements, 2=Meets Expectations.

14. I want to mention , again , that I was told by Sheila Rist, the Human Resource Manager, she wasn't allowed to comment on, or talk to me , about my work restrictions, complaints, or otherwise. I was to go directly, to Carl, the administrator. Carl , told me this, also. Georgia, the receptionist, would tell me this, over the phone, also, if I called, Sheila.

15. I inquired and asked Carl Kovski, if I could have the MDS, "desk job," which was , going to be posted. Carl said , he would see what he could do. I never heard from him, nor anyone else, about this open position. One day, soon after , I heard the position went to , another LPN. I never was interviewed, for this position, by anyone.

16. On January 31, 2002, I was taken off work, because of increased back pain. On February 4, 2002, the administrator , Carl Kovski , wrote and sent me, a certified letter to my home, telling me I was on , unpaid family leave of absence. The workmans' comp insurance carrier, refused to give me any workmans' comp. , money, and my workplace stated , I could not collect any money from , the short or long-term disability, I had been paying into for, at least, four years, because my reason for being, off work, was pain , due to a work-related, injury. So, as you can see, not only was I suffering, physically, but financially, also. I got through that time, as best I could, with some help from my family,

and using credit cards. I was upset, because I could see, the run-around, I was getting from work, was deliberate. I ended up being, off from work, by no less than, three doctors, for that period of time! But, to no avail, the comp. carrier, still, refused to give me any, money! Also, I recieved a second, certified letter, dated February 19th, 2002, from Carl Kovski, the administrator. Enclosed with this letter, is a light-duty, job description, for myself, all paperwork, and the functional capacity evaluation, stating I could only walk, 3 hours, out of an 8 hour shift!

When, I returned to work, I had a completely, different, job description, given to me by Dave Dinges. When I tried to tell Dave Dinges about the job description, that was sent to me at home, Dave said, this is your job description. At the workmans' comp. hearings Dave Dinges testified, he never saw those letters, nor that other ,job description. Sheila Rist, the Human Resource Manager, KNEW!

As I have stated before, when I tried to talk to Sheila, about this job description, situation, she would tell me, she wasn't allowed to discuss this with me, I was to go to Carl Kovski, the administrator. When, I complained to Carl, and told him, repeatedly, I was in severe pain, and why, was I on a hall, when I shouldn't be, he would tell me, I was within my, "light-duty" job description. The hall I was assigned to, was a hall with less patients, than any other hall, in the facility, but it was not within the scope of a "light duty" job description, in that facility. When I came back to work, I know I should,ve refused to work on any hall, I had the certified letter, with my "light-duty job description," but

I was hurting, physically, and financially, and I thought I had, no choice.

KATHLEEN HODSON, being duly sworn, deposes and says:

She is the Plaintiff and also is, pro se, and presents this Affidavit to the Court.

Kathleen D Hodson

Angel Sienicki

SWORN TO AND SUBSCRIBED before me, this the 19 day of

August, 2005.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Angel Sienicki, Notary Public
Summit Twp., Erie County
My Commission Expires Apr. 16, 2008
Member, Pennsylvania Association Of Notaries